



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,971	02/06/2004	John Patrick Goodall	9520	7337
27752 7590 11/13/2007 THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION - WEST BLDG. WINTON HILL BUSINESS CENTER - BOX 412 6250 CENTER HILL AVENUE CINCINNATI, OH 45224			EXAMINER BUI, LUAN KIM	
			ART UNIT 3728	PAPER NUMBER
			MAIL DATE 11/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,971

Applicant(s)

GOODALL ET AL.

Examiner

Luan K. Bui

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Prosecution Application

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/25/2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 and 8-11 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Linick (3,834,636) or Mitchell et al. (5,464,170; hereinafter Mitchell'170) in view of Jones (3,770,118) or The Great Britain Patent Number 2 380 178 to Lomas et al. (hereinafter Lomas'178). Linick discloses an apparatus comprising at least one roll of a convolutedly wound web material (T) and at least one roll support adapter (13-15) capable of supporting the roll and capable of interfacing with a roll holding fixture (10, W) having a first single roll capacity. The combination of the roll support adapter and the roll holding fixture has a single roll capacity greater than the first single roll capacity (abstract). Mitchell'170 discloses an apparatus comprising at least one roll of a convolutedly wound web material (74) and at least one roll support adapter (10) capable of supporting the roll and capable of interfacing with a roll holding

Art Unit: 3728

fixture having a first single roll capacity. The combination of the roll support adapter and the roll holding fixture has a single roll capacity greater than the first single roll capacity (abstract).

Linick or Mitchell'170 discloses the other limitations of the claims except for a package comprises the at least one roll of the convolutedly wound web material and the at least one roll-support adapter.

Jones shows a packaging system comprising a plurality of rolls of a convolutedly wound web material (12) and a container (10) for holding an article (36) to aid in promoting the sale of the wound web material. Lomas'178 suggests a packaging system comprising at least one roll of a convolutedly wound web material (4-6) and a container (1-3) for holding a free gift or any other item to aid in promoting the sale of the wound web material. It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Jones or Lomas'178 to modify the apparatus of Linick or Mitchell'170 so it comprises a package for holding the at least one roll convolutedly wound web material and the at least one roll-support adapter to aid in promoting the sale of the wound web material.

As to claims 6 and 8, Linick or Mitchell'170 discloses the roll comprises a hollow core and the container for the article disposed within the hollow core.

Response to Arguments

Applicant's arguments filed on 10/25/2007 have been fully considered but they are not deemed to be persuasive.

Art Unit: 3728

The Declaration as to commercial success filed by the applicant on October 25, 2007 has been reviewed and is not persuasive since the applicant fails to establish a nexus between the claimed invention and the commercial success because there is no evidence that the product has been sold corresponds to the claimed invention. see MPEP 716.03.

Applicant's arguments with respect to Linick or Mitchell or Jones or Lomas in the remarks are noted. They are not persuasive because either Linick or Mitchell discloses an apparatus comprising at least one roll of a convolutedly wound web material and at least one roll support adapter capable of supporting the roll and capable of interfacing with a roll holding fixture having a first single roll capacity. The combination of the roll support adapter and the roll holding fixture has a single roll capacity greater than the first single roll capacity. Also, it is old and conventional of providing a package for holding either at least one roll of a convolutedly wound web material or at least one roll support adapter capable of supporting the roll for sale. Jones shows a packaging system comprising a plurality of rolls of a convolutedly wound web material 12 and a container 10 for holding an article 36 to aid in promoting the sale of the wound web material. Jones further shows the article 36 can be any desired item fitted within the cavity 34. Lomas'178 suggests a packaging system comprising at least one roll of a convolutedly wound web material and a container for holding a free gift or any other item to aid in promoting the sale of the wound web material. Lomas further suggests that the container can be disposed either in the cores 6 of the rolls of material or in the spaces 7. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Jones or Lomas to modify the apparatus of Linick or Mitchell'170 so it comprises a package for holding the at least one roll convolutedly wound web material and the at least one roll-support

Art Unit: 3728

adapter to aid in promoting the sale of the wound web material. The package of Linick or Mitchell as modified is clearly providing a benefit for the customer to buy the package containing at least one large roll of wound web material.

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 3728

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb
November 6, 2007

/Luan K. Bui/
Primary Examiner
Art Unit 3728